

Introduced by Senator Torlakson

February 17, 2005

An act to amend Section 17071.30 *of*, and to add Section 17071.31 to, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 362, as amended, Torlakson. School facilities: existing school building capacity.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law provides that eligibility for funding under these provisions is, in part, determined by calculating the existing school building capacity of a school district, and provides that ~~certain the number of portable classrooms that exceed 25% of the permanent classrooms, reduced by the number of portable classrooms used as interim housing for modernization projects~~, are excluded from that capacity.

~~This bill would also exclude from the calculation leased portable classrooms and certain replacement portable classrooms.~~

This bill would, instead, include portable classrooms used as interim housing for modernization projects in that calculation.

The bill would provide that if the State Allocation Board requires a school district to reestablish its existing school building capacity *after the district has determined the existing school building capacity*, ~~then~~ the State Allocation Board is required to exclude ~~leased portable~~

~~classrooms and certain replacement~~ portable classrooms from that calculation, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17071.30 of the Education Code is
2 amended to read:

3 17071.30. For purposes of determining the existing school
4 building capacity, each applicant school district shall include
5 each portable classroom, *whether owned or leased*, except as
6 otherwise provided in subdivision (a), ~~(b), or (c)~~ or (b).

7 (a) ~~Portable classrooms leased by that school district pursuant~~
8 ~~to a lease, including a lease with an option to purchase leased~~
9 ~~pursuant to Chapter 14 (commencing with Section 17085)~~ shall
10 be excluded from the existing school building capacity. Portable
11 classrooms obtained by an applicant district pursuant to
12 subdivision (b) of Section 17088.5 shall be excluded from the
13 existing school building capacity, except as to any portable
14 classroom or classrooms for which the district rejected the
15 board's offer to purchase pursuant to that subdivision. Portable
16 classrooms leased for a period of less than five years prior to the
17 date of application shall not be included in existing school
18 building capacity.

19 (b) The number of portable classrooms, ~~reduced by the~~
20 ~~number of portable classrooms used as interim housing for~~
21 ~~modernization projects~~, that exceed 25 percent of the number of
22 permanent classrooms available to the district shall not be
23 included in the existing building capacity.

24 ~~(c) Portable classrooms used by an applicant district to replace~~
25 ~~classrooms that have been demolished, disposed of, or are no~~
26 ~~longer sufficient for classroom use, shall be excluded from the~~
27 ~~existing school building capacity.~~

28 SEC. 2. Section 17071.31 is added to the Education Code, to
29 read:

30 17071.31. If the board requires a school district to reestablish
31 its existing school building capacity ~~by updating its existing~~
32 ~~baseline capacity determined after an applicant school district~~
33 *has determined the existing school building capacity pursuant to*

subdivision (a) of Section 17071.10, ~~both~~ *all* of the following shall be excluded from the existing school building capacity of that school district ~~for the purpose of determining the ongoing eligibility of the school district:~~

(a) A portable classroom leased by ~~that~~ a school district pursuant to a lease or a lease with an option to purchase.

~~(b) A portable classroom used by an applicant district to replace a classroom that has been demolished, disposed of, or is no longer sufficient for classroom use within five years prior to its submission of an application for funding under this chapter. The board may permit a school district to exclude a portable classroom leased within 10 years of its submission of an application for funding under this chapter if the school district will no longer use the portable classroom for instruction by the end of that 10-year period.~~

(b) A portable classroom that has been in use for at least 40 years.

(c) A portable classroom for which the costs of modernization would exceed 50 percent of the cost to replace the classroom.

(d) A portable classroom that a school district has replaced utilizing funds other than those provided pursuant to this chapter.

(e) A portable classroom that is excluded pursuant to subdivision (b) of Section 17071.30.